

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
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www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, May 21, 2008, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, May 7 and 14, 2008 Worksessions.

Action: Approved (WMH/CGT, 4-0).

2. **A-5714, Petition of Robin C. Carruthers** (existing deck). Letter from Susan Roth regarding Condition No. 5 of the Board's Opinion dated 3/21/02.

Action: (1) Re-opened the record to include Ms. Roth's letter; (2) request the Department of Permitting Services (DPS) to inspect the subject property to determine the implementation of the variance, (CGT/WMH, 4-0).

3. **CBA-363 [CBA-510, CBA-1120, S-554], Petition of Cynthia Warner School Ltd.** (private educational institution). Memorandum from Barbara Piczak, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked the special exception as abandoned, (DKP/CGT, 4-0).

4. **CBA-1389 [CBA-1389-A thru CBA-1389-F], Petition of St. Andrews Episcopal School** (private educational institution). Letter to the Board from Stuart Barr, Esquire, and April Birnbaum, Esquire, requesting an administrative modification.

Action: Granted the administrative modification, (DKP/WMH, 4-0).

5. **CBA-1571 [CBA-1571-A], Petition of Mater Dei School, Inc.** (private educational institution). Letter to the Board from Elsie Reid, Esquire, requesting an administrative modification [Large exhibits: overall site plan, detailed site plan, landscape plan, schematic plans (9 sheets)].

Action: Granted the administrative modification, (DKP/CGT, 4-0).

6. **CBA-2033, Petition of Washington Adventist Nursing and Rehabilitation Center, Inc.** (nursing home). Letter to the Board from Stuart Barr, Esquire, submitting the approved record plat of the special exception property [Large exhibit: plat plan (2 copies)].

Action: Re-opened the record to include Mr. Barr's letter with attachment, (WMH/DKP, 4-0).

7. **S-597 [S-597-A], Petition of Dr. H. Steven Steinberg by VCA Veterinary Referral Associates Animal Hospital** (veterinary hospital). Letter to the Board from Stuart Barr, Esquire, notifying the Board that Condition No. 11 of the Board's Opinion dated 5/3/06 has been satisfied.

Action: Re-opened the record to include Mr. Barr's letter, (CGT/DKP, 4-0).

8. **S-1456 [S-1456-A, S-1456-B], Petition of Concord Hill School** (private educational institution). Letter to the Board from Stuart Barr, Esquire, requesting an administrative modification.

Action: Granted the administrative modification, (WMH/DKP, 4-0).

9. **S-2132, Petition of Edwin J. Hungerford** (manufacture of mulch). Supplemental request for reconsideration from Brian Riedmuller, the property owner and Mervyn Schwedt, Esquire.

Action: (1) Re-opened the record to include the letter from Mr. Riedmuller and Mr. Schwedt; (2) denied the request for reconsideration, (DKP/CGT, 4-0).

10. **S-2141, Petition of Bannockburn Swimming Club, Inc.** (community swimming pool). Letter to the Board from John Chadwick, Bannockburn Swim Club - Pool Improvements.

Action: Re-opened the record to include Mr. Chadwick's letter, (CGT/WMH, 4-0).

11. **S-2459, Petition of Hampshire Village Associates** (housing for the elderly and handicapped). Letter to the Board from Sarah Pinocci, Concerned Citizens of Hampshire Village.

Action: (1) Re-opened the record to include Ms. Pinocci's letter; (2) special exception holder to keep the residents and the Board apprised of the progress of the installation of the parking, (CGT/WMH, 4-0).

12. **S-2471, Petition of Kids 'N Care Learning Center** (child day care facility). Letter from Casey Moore, Esquire, submitting the additional information requested by the Board at its Worksession on 12/12/07 [Large exhibits: site plan and landscape and lighting plan].

Action: Item deferred for additional information: applicant to submit additional information of either a revised site plan or written findings from DPS regarding whether the property line between the subject property and Mr. Townsend's property is a side or a rear yard, consensus.

13. **S-2511, Petition of Douglas A. Harbit and Robert F. Patenaude** (bed and breakfast). Memorandum from Barbara Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked the special exception as abandoned, (CGT/WMH, 4-0).

PENDING ITEMS:

14. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].
15. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07 [Pre-hearing Conference held on 3/14/07].
16. **CBA-867 [CBA-2048, S-717, S-717-A, S-1187], Petition of Our House, Inc.** (hospital, sanitarium, nursing or care home). Letter to the Board from Stuart Barr, Esquire, and April Birnbaum, Esquire, requesting clarification of the appropriate special exception use category. (1) Re-opened the record to include Mr. Barr's and Ms. Birnbaum's letter; (2) item deferred for additional information regarding how the current use conforms to the current criteria [W/S 2/20/08].
17. **CBA-969-A, Petition of Millenium Health Services** (nursing home or domiciliary care home). Status update on the compliance of the special exception. (1) Petitioner has hired engineer to develop a special exception site plan; (2) prior to applying for building permits the petitioner will submit to the Board the proposed site plan [W/S 3/19/08].

PENDING ITEMS (continued):

18. **CBA-1196, Petition of Joseph F. Fernebok, CBA-1472, Petition of Farragut St. Venture and Theo R. Crutchfield, S-35, Petition of G. A. Schlesinger** (off-street parking). Letter to the Board from Stanley Abrams, Esquire, requesting an extension of time to permit the submission of a revised site plan and a forthcoming administrative modification request in connection with Case No. S-35. (1) Re-opened the record to include Mr. Abrams' letter; (2) granted a 45-day extension of time [W/S 1/23/08].
19. **CBA-2924, Petition of RMC Partnership** (medical and dental clinic). Letters to the Board from Jane Ho, Esquire, and Benjamin Akintan, Rph, requesting a transfer and an administrative modification (Large exhibits: cover sheet, existing and demolition plan, modification elevations, construction details, survey). Item deferred for additional information [W/S 7/18/07].
20. **S-535 [CBA-2212, CBA-2212-A, CBA-2614], Petition of Flower Valley Bath & Racquet Club, Inc.** (community swimming and tennis club). Letter to the Board from Hope Liverman, Legal Assistant, submitting the Club's annual report. (1) Re-opened the record to include Ms. Liverman's letter; (2) petitioner to submit revised annual report regarding the tennis court operations [W/S 3/19/08].
21. **S-1073, Petition of Phyllis Smith-Larkins** (accessory apartment). Check received from Rita Larkins requesting the transfer of the special exception. Letter sent to Ms. Larkins notifying her of the required posting for the transfer of a special exception. Letter dated 3/31/08.
22. **S-1289 [S-1289-A-1289-B], Petition of HCR Manor Care** (assisted living facility and a nursing and care home). Letter to the Board from Mark Viani, Esquire, requesting an administrative modification [Large exhibits: skilled nursing facility alternations and additions (2 sheets), site development plan (2 sheets), landscape plan (4 sheets), elevations, existing and proposed zoning, zoning vicinity map]. Item deferred for a confirmation from the applicant that the parking spaces conform to the required setbacks [W/S 5/7/08].
23. **S-2132, Petition of Edwin J. Hungerford** (manufacture of mulch). Letter of complaint to the Board from the petitioner. (1) Re-opened the record to include the petitioner's letter; (2) DPS to send abandonment letter to the petitioner and will notify BOA of the response [W/S 3/12/08].
24. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from John Chadwick, Pool Board Representative-Improvements, submitting the additional information requested by the Board for an administrative modification [Large exhibit: site plan]. Item deferred to determine if administrative modification is subject to a forest conservation requirement [W/S 4/2/08].

PENDING ITEMS (continued):

25. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc [W/S 4/30/08].
26. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas** (housing for the elderly and the handicapped). Inspection report to the Board from Barbara Piczak, Inspector, DPS. (1) Re-opened the record to include the inspection report from Ms. Piczak; (2) deferred action on the Show Cause Hearing until after the compliance date of 5/16/08 [W/S 4/30/08].
27. **S-2506-A [S-2506], Petition of East Coast Landscape, Inc.** (landscape contractor). Letter from Martin Hutt, Esquire, notifying the Board that the special exception holder has received conditional Recommendation for Approval from M-NCPPC. (1) Re-opened the record to include Mr. Hutt's letter with attachment; (2) granted 180-day extension for receipt of M-NCPPC approval [W/S 5/7/08].

Board Members

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